



CITY OF
HAYWARD
HEART OF THE BAY

**Introduction of Ordinances Amending
the Hayward Municipal Code Relating to
Food Sharing Events on City Property, and
City Park Operating Hours**

Kelly McAdoo, Assistant City Manager
October 29, 2013





Improving Downtown Hayward

On October 1, 2013, staff presented a report proposing the introduction of two companion City ordinances:

1. The Food Sharing Event Ordinance; and
2. The City Park Hours Ordinance





Why the need for Food Sharing Event and Park Hours Ordinances?

A continued need for City Services

Concerns related to food sharing events occurring on City property continue. They include:

1. The need to address Public nuisance and illegal behavior; and





- (Pictures taken: 10.28.13)





Why the need for Food Sharing **Event** and Park Hours Ordinances?

2. The need to clean up human waste, overflow garbage, food, litter and debris on City Property;

(Pictures taken: 10.28.13)





Why the need for Food Sharing Event and Park Hours Ordinances?

2. The need to clean up human waste, overflow garbage, food, litter and debris on City Property; and

(Pictures shared by resident on 10.1.13)





Why the need for Food Sharing Event and Park Hours Ordinances?

3. The need to address the negative impact on nearby residential and commercial property.

(Pictures shared by resident on 10.1.13)





Intent of Food Sharing Event and Park Hours Ordinances?

- The Food Sharing Event Ordinance will establish a permitting process that governs the time, place and manner in which food sharing events occur on City Property; and
- City Park Hours Ordinance will place restrictions on the use of City Parks between sunset and sunrise.





Revisions Made to the Proposed Ordinances:

Revised Definitions:

A. “Food Sharing Event”:

Any non-social gathering that is planned, organized, promoted, and/or advertised where food is distributed or offered for charitable purposes at no cost, or for a nominal charge, to any member of the public.





Revisions Made to the Proposed Ordinances:

Revised Definitions:

B. “City-owned Property”, includes:

Municipal parking lots and parking structures, public sidewalks, public streets and right-of-ways, and City parks.





Revisions Made to the Proposed Ordinances:

Revised Definitions:

C. “City Parks”, include:

Any park or open space within the City limits that is not under the management of HARD.

This includes areas in and beyond Downtown Hayward, such as:

Portuguese Park

Newman Park

Giuliani Plaza

Library Park

5-Flags

De Anza Park

Fountain Park (at Jackson St. and Meek Ave.)

Fountain and Linear Strip on Mission
(near Fairway Park Shopping Center)

City Hall Plaza





Revisions Made to the Proposed Ordinances:

Revised Definitions:

B. “City Hall Plaza”, includes:

The pathways, green space, and rights-of-way located on the property surrounding Hayward City Hall.





Key Elements of Proposed Food Sharing Event Ordinance

Those wishing to conduct food sharing events on City property must obtain:

1. A valid City-issued permit;
2. Food preparation and handling training and certifications - as required by the Alameda County Environmental Services Department
3. Valid insurance, naming the City as additional insured; and





Key Elements of Proposed Food Sharing Event Ordinance

4. Permit Holders will be limited to one (1) Food Sharing Event per month, regardless of location;
5. No City property will be used for food sharing events more frequently than one (1) time per month.
6. No Food Sharing Event on City Property will be permitted to last longer than three (3) hours in duration.





Key Elements of Proposed Food Sharing Event Ordinance

7. Permit holders will also be required to provide a \$500.00 refundable deposit; and
8. Sign an Agreement with the City that includes a “hold harmless” provision that will protect the City from any claims or lawsuits that may arise from the permitted activity.





Key Elements of Proposed Food Sharing Event Ordinance

Prohibitions:

- A. No event or activity will be allowed to take place on City property that prevents the normal use of public streets, sidewalks, or other right-of-way.

- B. Food Sharing Events will not be allowed to take place in any municipal parking lot or structure, in Giuliani Plaza, or in Library Park at any time.





Key Elements of Proposed Food Sharing Event Ordinance

Prohibitions:

- C. Food Sharing Events will not be allowed to take place on City property between the hours of sunset and sunrise.

If adopted, the Park Hours Ordinance will prohibit the use of Downtown City Parks for any purpose, as defined, between sunset and sunrise - unless certain conditions or approvals are in place.





Key Elements of Proposed Food Sharing Event Ordinance

Penalties for Ordinance Violations:

1. Penalties may include:
 - A. Orders to immediately cease a non-permitted event or activity;
 - B. The issuance of an administrative citation, with associated fines and fees; and/or
 - C. Arrest for trespassing during closed hours of operation.





Exemptions to the Proposed Ordinances

- A. Food sharing events underway in locations other than the City properties specified in the proposed ordinance;
- B. Farmer's markets and other events/activities where commercial food distribution takes place.
- C. Any park or open space managed by HARD.





Community Engagement:

City investment in efforts to prevent and mitigate the impacts of chronic homelessness and hunger, in FY 2014:

- Over \$250,000 in grant funding to Hayward emergency shelters and homeless prevention programs.
- Another \$78,000 in support of food to feed Hayward residents in need.





Community Engagement:

The “Housing First” Approach:

Focuses on serving chronically homeless individuals by providing:

- Stable and permanent housing;
- “Wrap-around” support services; and
- Case management.





Community Engagement:

The “Housing First” Approach:

Alameda County EveryOne Home Plan, and AC Impact:

- Hayward Council Adopted EveryOne Home Plan in 2006;
- Allocated \$30,000 in CDBG Funds to support AC Impact





Community Engagement:

- Staff to continue to engage with local community and faith-based service organizations and community advocates to further develop and coordinate services.
- This process will explore many options, including the viability of creating a “Comprehensive Service Center”. This will be evaluated in light of available funding, an acceptable location, and one or more community agencies that can demonstrate the capacity to successfully manage such a program.
- Staff to return to Council with an initial planning and progress report in mid-2014.





Next Steps

- If Council introduces ordinances tonight, adoption would occur on November 5, 2013.
- Ordinances would go into effect 30 days after adoption.





Questions/Discussion

